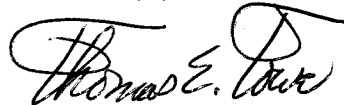


I am even more concerned about Section 2 of House Bill 306. This suggests that the journal should not be public. I think this is a mistake. The whole purpose of keeping a journal is to make sure the information entered in the journal can be useful as a guarantee of its accuracy. If the information is not public, most of the benefit of a journal is lost. The purpose of notarizing most documents is to make sure the document can be filed or recorded with the County Clerk and Recorder. Consequently, it makes no sense to keep the information in the notary journal secret. If they wanted it secret, they would not want it notarized. It should not be necessary for a person to file a lawsuit in order to determine the notary was accurate. It should always be open to the public at all times. And, when the notary dies, resigns, or is removed, it is important that this journal be turned over to a public official.

In some instances, the federal law does not even recognize a notary unless the notary keeps a journal. For example, under Security and Exchange Commission rules, some stock transactions and some security matters must be acknowledged before a bank officer who does keep a journal. The Montana notary is insufficient for security and exchange purposes because, until recently, a journal was not required.

Sincerely yours,



Thomas E. Towe

TET/vt

cc: Lori Hamm, Notary Division

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